



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

April 26, 2004

**FILING REQUIREMENTS FOR NON-INCUMBENT
JUDICIAL CANDIDATES**

*Appeals Court Judge
Circuit Court Judge*

*District Court Judge
Probate Court Judge*

IMPORTANT NOTE

This document will be revised as changes occur.
Updates will be posted on the Bureau of Elections'
website (www.michigan.gov/sos).

ELECTION DATES: The primary election will be held on Tuesday, August 3, 2004. The general election will be held on Tuesday, November 2, 2004.

FILING DEADLINE: Non-incumbent judicial candidates are required to file a nonpartisan nominating petition containing the requisite number of valid signatures, an Affidavit of Identity (two copies) and an Affidavit of Constitutional Qualification (one copy) no later than **4:00 p.m. on Tuesday, April 27, 2004.**

FILING LOCATION: Candidates for Court of Appeals Judge, Circuit Court Judge or District Court Judge file with the Michigan Department of State, Bureau of Elections, P.O. Box 20126, Lansing, MI 48901-0726. Office location: Treasury Building, 1st Floor, 430 West Allegan Street, Lansing, Michigan 48918. Candidates for Probate Court Judge file with the local county clerk's office.

PETITION FORM: All non-incumbent judicial candidates are required to use the *nonpartisan nominating petition form* prescribed by the Secretary of State when collecting signatures. There are two versions of the form: 1.) A "city/township" version and 2.) a "countywide" version. The "city/township" version of the form is designed for circulation within a single city or township; the "countywide" version of the form can be signed by anyone registered to vote in a city or township that falls within the boundaries of the listed county. All judicial candidates may use the "city/township" nonpartisan nominating petition form or the "countywide" nonpartisan nominating petition form as convenient.

REQUIRED AFFIDAVITS: Non-incumbent candidates who file for the office of Appeals Court Judge, Circuit Court Judge, District Court Judge or Probate Court Judge are required to file an Affidavit of Identity (two copies) and an Affidavit of Constitutional Qualification (one copy). The required affidavits can be obtained from the Michigan Department of State's Bureau

of Elections in Lansing. A candidate who fails to file the required documents by the filing deadline is ineligible to appear on the ballot.

Public Act 217 of 1999 requires any candidate filing an Affidavit of Identity to state on the form that at the date the affidavit was executed, “all statements, reports, late filing fees and fines required of the candidate or any candidate committee organized to support the candidate’s election under the Michigan Campaign Finance Act ... have been filed or paid.” The new requirement went into effect March 10, 2000. All judicial candidates are subject to the Campaign Finance Compliance Statement requirement. This remains true even if the candidate maintains a “Reporting Waiver.”

AFFIXING OFFICE DESIGNATION ON PETITION: Petitions for a judicial office must bear the appropriate designation listed below to indicate the office sought by the candidate. Note that “incumbent” position means a position held by a judicial officer who is seeking reelection to his or her seat; “non-incumbent” position means a position held by a judicial officer who is not seeking reelection to his or her seat.

- Regular Term – Incumbent Position
- Regular Term – Non-Incumbent Position
- Partial Term – Incumbent Position*
- Partial Term – Non-Incumbent Position*
- New Judgeship

* Add expiration date of term if more than one partial term will be filled in judicial district. The terms “vacancy,” “partial term” and “unexpired term” are interchangeably used to reference a judicial position which will be filled at an election for less than the full term.

OBTAINING INFORMATION ON APPROPRIATE OFFICE DESIGNATION: PA 218 of 1999 stipulates that in instances where a candidate for Court of Appeals Judge, Circuit Court Judge, District Court Judge or Probate Court Judge seeks election in a district where there are a combination of “new” positions, “incumbent” positions and/or “non-incumbent” positions to fill, the candidate must “apply to the Bureau of Elections for a written statement of office designation to correspond to the judgeship sought by the candidate.” The designations listed in the following charts are provided to fulfill this information requirement. (See *Petition Signature Requirements and Office Designations* below.)

PA 218 of 1999 further directs the Bureau of Elections to designate a judicial position as an “incumbent” position in any instance where 1.) there is an incumbent judge eligible to seek reelection to the position and 2.) the deadline for filing the Affidavit of Candidacy has not yet elapsed. If the incumbent judge does not file for reelection by the deadline for submitting an Affidavit of Candidacy, the amendment directs the Bureau of Elections to 1.) redesignate the position as a “non-incumbent” position and 2.) notify all candidates seeking election in the judicial district that a “non-incumbent” position exists. The amendment further stipulates that in such instances, 1.) nominating petition sheets circulated for the “non-incumbent” position subsequent to the Affidavit of Candidacy filing deadline “shall bear an office designation of non-

incumbent position” and 2.) signatures collected prior to the Affidavit of Candidacy filing deadline “may be filed with the non-incumbent nominating petitions.” The Affidavit of Candidacy filing deadline established for the August 3, 2004 primary elapses on March 22, 2004.

WITHDRAWAL DEADLINE: Judicial candidates who file for the August 3, 2004 primary ballot with a petition who wish to withdraw from the election must submit a written notice of withdrawal to the filing official no later than **4:00 p.m. on Friday, April 30, 2004.**

SIGNATURE REQUIREMENTS: PA 218 of 1999 shifted the petition signature requirements imposed on candidates elected under Michigan election law to a graduated scale tied to the population of the district. The population based signature requirements imposed on candidates who seek the office of Appeals Court Judge, Circuit Court Judge, District Court Judge and Probate Court Judge are listed below. The population based signature requirements went into effect on March 10, 2000. (See MCL 168.544f for population based signature requirement chart.)

- - Petition Signature Requirements and Office Designations - -

JUDGE OF THE COURT OF APPEALS

District	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
1	6,200	12,000	2 Regular Terms	Incumbent	2011
2	6,200	12,000	1 Regular Term	Incumbent	2011
3	6,200	12,000	2 Regular Terms	Incumbent	2011
4	6,200	12,000	2 Regular Terms	Incumbent	2011
4	6,200	12,000	1 Partial Term	Incumbent	2007

JUDGE OF THE CIRCUIT COURT

Circuit	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
2	600	1,000	2 Regular Terms	Non-Incumbent ¹	2011
2	600	1,000	1 Partial Term	Incumbent	2007
3	6,200	12,000	19 Regular Terms	Incumbent ²	2011
3	6,200	12,000	1 Regular Term	Non-Incumbent ⁹	2011
3	6,200	12,000	1 Partial Term	Incumbent	2009
3	6,200	12,000	2 Partial Terms	Incumbent	2007
4	600	1,000	2 Regular Terms	Incumbent	2011
6	4,000	8,000	4 Regular Terms	Incumbent	2011

Circuit	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
6	4,000	8,000	1 Regular Term	Non-Incumbent ¹	2011
6	4,000	8,000	2 Partial Terms	Incumbent	2007
7	1,000	2,000	2 Regular Terms	Incumbent	2011
7	1,000	2,000	New Judgeship ⁵		2011
8	600	1,000	1 Regular Term	Incumbent	2011
9	1,000	2,000	2 Regular Terms	Incumbent	2011
10	1,000	2,000	2 Regular Term	Incumbent	2011
13	600	1,000	1 Regular Term	Incumbent	2011
14	600	1,000	2 Regular Terms	Incumbent	2011
16	2,000	4,000	New Judgeship ⁸		2013
16	2,000	4,000	3 Regular Terms	Incumbent	2011
17	2,000	4,000	2 Regular Terms	Incumbent	2011
18	600	1,000	1 Regular Term	Incumbent	2011
20	1,000	2,000	2 Regular Terms	Incumbent	2011
20	1,000	2,000	New Judgeship ⁶		2013
21	200	400	1 Regular Term	Incumbent	2011
21	200	400	New Judgeship ⁷		2013
22	1,000	2,000	1 Regular Term	Incumbent	2011
25	200	400	1 Regular Term	Incumbent	2011
29	600	1,000	1 Regular Term	Incumbent	2011
30	1,000	2,000	1 Regular Term	Incumbent	2011
30	1,000	2,000	1 Regular Term	Non-Incumbent ¹	2011
31	600	1,000	1 Regular Term	Incumbent	2011
34	200	400	1 Regular Term	Incumbent	2011
37	600	1,000	2 Regular Terms	Incumbent	2011
38	600	1,000	1 Regular Term	Non-Incumbent ¹	2011
40	400	800	1 Regular Term	Incumbent	2011
41	200	400	1 Regular Term	Incumbent	2011
43	200	400	1 Regular Term	Incumbent	2011
44	600	1,000	1 Regular Term	Non-Incumbent ¹	2011
46	200	400	1 Regular Term	Incumbent	2011
47	100	200	1 Regular Term	Incumbent	2011
48	600	1,000	1 Regular Term	Incumbent	2011
53	100	200	1 Regular Term	Incumbent	2011

JUDGE OF THE DISTRICT COURT

District	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
1	600	1,000	1 Regular Term	Incumbent	2011
2A	400	800	1 Regular Term	Incumbent	2011
5	600	1,000	2 Regular Terms	Incumbent	2011
7	400	800	1 Regular Term	Incumbent	2011
8 Div. 1	400	800	1 Regular Term	Incumbent	2011
8 Div. 1	400	800	1 Regular Term	Non-Incumbent ⁹	2011
8 Div. 3	600	1,000	1 Regular Term	Incumbent	2011
10	600	1,000	1 Regular Term	Incumbent	2011
12	600	1,000	1 Regular Term	Non-Incumbent ¹	2011
14A	600	1,000	1 Regular Term	Incumbent	2011
15	600	1,000	1 Regular Term	Incumbent	2011
17	200	400	1 Regular Term	Incumbent	2011
19	400	800	1 Regular Term	Incumbent	2011
24	100	200	1 Regular Term	Incumbent	2011
25	100	200	1 Regular Term	Incumbent ¹⁰	2011
29	40	100	1 Partial Term	Incumbent	2007
30	40	100	1 Regular Term	Incumbent	2011
33	400	800	1 Regular Term	Incumbent	2011
34	400	800	1 Regular Term	Incumbent	2011
36	2,000	4,000	9 Regular Terms	Incumbent	2011
36	2,000	4,000	1 Regular Term	Non-Incumbent ^{4*}	2011
37	600	1,000	1 Regular Term	Incumbent	2011
39	200	400	1 Regular Term	Incumbent	2011
41A	1,000	2,000	1 Regular Term	Incumbent	2011
41A	1,000	2,000	1 Partial Term	Incumbent	2007
41B	600	1,000	1 Regular Term	Incumbent	2011
43	200	400	1 Regular Term	Incumbent	2011
46	400	800	1 Regular Term	Incumbent	2011
47	400	800	1 Regular Term	Incumbent	2011
48	600	1,000	1 Regular Term	Non-Incumbent ¹	2011
50	200	400	1 Regular Term	Incumbent	2011
50	200	400	2 Partial Terms	Incumbent	2009
52 Div. 2	600	1,000	1 Regular Term	Non-Incumbent ¹	2011

District	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
52 Div. 3	600	1,000	1 Regular Term	Incumbent	2011
52 Div. 4	400	800	1 Regular Term	Incumbent	2011
53	600	1,000	1 Regular Term	Non-Incumbent ⁹	2011
54A	600	1,000	2 Regular Terms	Incumbent	2011
54B	100	200	1 Regular Term	Incumbent	2011
55	600	1,000	1 Regular Term	Non-Incumbent ⁹	2011
56A	400	800	1 Regular Term	Incumbent	2011
58	1,000	2,000	1 Regular Term	Incumbent	2011
59	100	200	1 Regular Term	Incumbent	2011
60	600	1,000	1 Regular Term	Incumbent	2011
61	600	1,000	2 Regular Terms	Incumbent	2011
62A	200	400	1 Partial Term	Incumbent	2009
67 Div. 2	200	400	1 Regular Term	Incumbent	2011
68	600	1,000	1 Regular Term	Incumbent	2011
70 Div. 1	400	800	1 Regular Term	Incumbent	2011
70 Div. 2	600	1,000	1 Regular Term	Incumbent	2011
72	600	1,000	1 Regular Term	Incumbent	2011
74	600	1,000	1 Regular Term	Incumbent	2011
75	400	800	1 Regular Term	Incumbent	2011
86	600	1,000	1 Regular Term	Non-Incumbent ⁹	2011
92	40	100	1 Partial Term	Incumbent	2009
96	200	400	1 Regular Term	Incumbent	2011

JUDGE OF THE PROBATE COURT

District	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
Barry	200	400	1 Partial Term	Incumbent ¹¹	2007
Calhoun	600	1,000	1 Regular Term	Incumbent	2011
Clinton	200	400	1 Partial Term	Incumbent ¹³	2007
Dickinson	100	200	1 Partial Term	Incumbent ¹⁰	2007

District	Min. Sig. Required	Max. Sig. Required	<u>No. To Be Elected</u>		Term Ending January 1, of
			Term	Designation	
Hillsdale	100	200	1 Partial Term	Incumbent	2007
Houghton	100	200	1 Partial Term	Incumbent	2007
Ionia	200	400	1 Partial Term	Incumbent	2007
Kalamazoo	1,000	2,000	1 Regular Term	Incumbent	2011
Kent	2,000	4,000	1 Regular Term	Incumbent	2011
Montmorency	40	100	1 Partial Term	Incumbent	2007
Muskegon	600	1,000	1 Regular Term	Incumbent	2011
Oakland	4,000	8,000	2 Regular Terms	Incumbent	2011
Wayne	6,200	12,000	2 Regular Terms	Incumbent	2011

¹Judge is scheduled to retire at the end of the term due to age.

²PA 254 of 2001 eliminates two judgeships in the 3rd Circuit Court effective January 1, 2005. (The two seats which will be eliminated are currently held by incumbents required to retire due to age.)

³Judgeship is currently vacant.

⁴Two judges are scheduled to retire at the end of the term due to age.

^{4*}The Governor made an appointment to succeed the late John R. Perry effective April 23rd. The appointee filed an Affidavit of Candidacy on April 26.

⁵Petitions may be placed in circulation for the office on December 10, 2003; signatures appearing on a petition filed for the office which are dated prior to December 10, 2003 are invalid.

⁶Petitions may be placed in circulation for the office on December 17, 2003; signatures appearing on a petition filed for the office which are dated prior to December 17, 2003 are invalid.

⁷Petitions may be placed in circulation for the office on November 9, 2001; signatures appearing on a petition filed for the office which are dated prior to November 9, 2001 are invalid.

⁸Petitions may be placed in circulation for the office on January 12, 2004; signatures appearing on a petition filed for the office which are dated prior to January 12, 2004 are invalid.

⁹An Incumbent judge did not file for reelection by the March 22, 2004, 5:00 p.m. deadline. Petitions may be placed in circulation with the “non-incumbent” office designation, effective March 23, 2004.

¹⁰Office Designation changed from “Non-Incumbent” to “Incumbent” designation effective March 22, 2004. Petitions may be placed in circulation with the “Incumbent” office designation, effective March 22, 2004.

¹¹Incumbent judge retired March 26. Replacement appointed to fill vacancy March 19 and Appointee assumed office March 29.

¹²Incumbent judge retired April 17. Petitions may be placed in circulation for the office effective April 17, 2004.

¹³Governor made an appointment effective April 21. Appointee filed Affidavit of Candidacy on April 21.